

REMARKS

I. Status of Claims

Claims 1, 3 and 6-12 are pending in the application, with claims 6-8 withdrawn from consideration.

Claims 1 and 12 are amended to delete fluorine from the definition of group X of repeating unit (A).

No new matter is added. Accordingly, Applicants respectfully request entry and consideration of the Amendment as placing this application in condition for allowance.

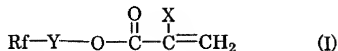
II. Response to Claim Rejection Under 35 U.S.C. § 102(b)

Claims 1, 3 and 9-12 were rejected under 35 U.S.C. §102(b) as being anticipated by Ohmori et al. (EP 247,489 A2, or its equivalent U.S. Patent No. 5,021,501).

Applicants respectfully traverse, at least for the following reason.

Claims 1 and 12 are drawn to a fluorine-containing polymer for masonry treatment, comprising (A) repeating units derived from a fluorine-containing monomer of formula (I), (B) repeating units derived from a monomer having a functional group reactive with active hydrogen, where the functional group is a silane group, and (C) repeating units derived from a fluorine-free alkyl group-containing monomer which is alkyl (meth)acrylate.

The fluorine-containing monomer of formula (I) of repeating unit (A) has the following formula:



where X is a chlorine atom; Y is an aliphatic group having 1 to 10 carbon atoms, an aromatic or cycloaliphatic group having 6 to 10 carbon atoms, a $-\text{CH}_2\text{CH}_2\text{N}(\text{R}^1)\text{SO}_2-$ group (in which R^1 is an alkyl group having 1 to 4 carbon atoms) or a $-\text{CH}_2\text{CH}(\text{OY}^1)\text{CH}_2-$ group (in which Y^1 is a hydrogen atom or an acetyl group); and Rf is a linear or branched fluoroalkyl or fluoroalkenyl group having 1 to 6 carbon atoms, or a fluoroether group having totally 1 to 200 repeating units selected from the group consisting of the repeating units: $-\text{C}_3\text{F}_6\text{O}-$, $-\text{C}_2\text{F}_4\text{O}-$ and $-\text{CF}_2\text{O}-$.

In comparison, Ohmori discloses a monomer of formula $\text{Rf-Y-O-C(=O)-CX=CH}_2$, where X is a fluorine atom or $-\text{CFX}^1\text{X}^2$. Ohmori is silent on the substitution of the fluorine atom or the $-\text{CFX}^1\text{X}^2$ group by a chlorine atom at the α -position of the acrylate monomer, and thus, Ohmori does not disclose or suggest a monomer of formula $\text{Rf-Y-O-C(=O)-CX=CH}_2$ where X is a chlorine atom.

Therefore, claims 1 and 12 are patentable over and not anticipated by Ohmori. Claims 3 and 9-11 are also patentable, at least by virtue of their dependence from claim 1. Accordingly, Applicants respectfully request reconsideration and withdrawal of the § 102(b) rejection of claims 1, 3 and 9-11.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Abraham J. Rosner
Registration No. 33,276

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: May 19, 2010